

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

-----	x	
)	
In Re: PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	Master File No. 01-CV-12257-PBS
)	
-----	x	Judge Patti B. Saris
)	
This Document Relates to:)	Chief Mag. Judge Marianne B. Bowler
01-CV-12257-PBS)	
)	
-----	x	

DECLARATION OF KIMBERLEY HARRIS

Kimberley Harris, declares and says:

1. I am an associate at Davis Polk & Wardwell, which serves as counsel to AstraZeneca Pharmaceuticals LP in connection with the above captioned litigation. I submit this declaration, which is based on my personal knowledge, in support of AstraZeneca's Opposition to Plaintiffs' Motion to Compel Against AstraZeneca.

2. At some point after receiving the Amended Notice of Rule 30(b)(6) Deposition, I spoke with Ken Wexler, counsel for Plaintiffs, to schedule specific dates for AstraZeneca's Rule 30(b)(6) deposition. I informed Mr. Wexler that AstraZeneca would be offering two witnesses.

3. Mr. Wexler informed me that he was available on May 13 and 14, 2004. Accordingly, we scheduled the depositions of AstraZeneca's two witnesses on those dates.

4. Mr. Wexler subsequently contacted me to ask that the depositions be rescheduled. I offered to reschedule the depositions for one week later, on May 20 and 21, 2004. Mr. Wexler confirmed that those dates were acceptable.

5. A week or so later, Mr. Wexler's colleague, Elizabeth Fegan, informed me that Plaintiffs would only be available to proceed with the first witness on May 20, 2004 and would need to reschedule the second witness for another date. The deposition for the second witness was rescheduled for June 29, 2004.

6. During the same time period, I had extensive discussions with Ms. Fegan, by letter and by telephone, regarding the scope of Plaintiffs' Omnibus Requests for Production. Part of those discussions was focused on the scope of the documents AstraZeneca would agree to produce from the entire thirteen year timeframe requested by Plaintiffs.

7. I informed Ms. Fegan on several occasions that it would be unduly burdensome for AstraZeneca to respond to each one of the 82 requests for the entire thirteen year time period, since that would involve extensive searches through thousands of boxes held in AstraZeneca's general archives. Instead, I proposed that AstraZeneca produce documents from the entire time frame only for certain specific requests, such as the requests relating to certain PBMs.

8. Ms. Fegan refused to agree to any such limitations and demanded that AstraZeneca produce documents from the entire thirteen year time period for all of the Omnibus Requests. Ms. Fegan also demanded that we produce AstraZeneca's general archive index, so that she could select the boxes that Plaintiffs wanted to review.

9. I explained to Ms. Fegan that the burden of a general search through AstraZeneca's archives would far outweigh any benefit, since the targeted searches AstraZeneca had agreed to conduct were likely to capture most relevant documents.

10. I also explained to Ms. Fegan that the index was a general index maintained by AstraZeneca of all boxes sent to storage by any department or employee at AstraZeneca. I further explained to Ms. Fegan that she was not entitled to have access to this general index, which included many boxes that would not be relevant in any way to Plaintiffs' complaint. Ms. Fegan refused my offer to use search terms.

11. In an effort to resolve this dispute, I agreed, on behalf of AstraZeneca, to conduct a more general search of the AstraZeneca archives and to provide Plaintiffs with access to boxes that may contain responsive information, but were not otherwise captured in AstraZeneca's targeted search. I also agreed to provide Plaintiffs with an excerpt from the general index that described the boxes available for inspection.

12. The boxes were made available for Plaintiffs' inspection beginning July 13, 2004 and an index was provided in advance. Following their inspection of the boxes, Plaintiffs requested copies of approximately thirty boxes.

13. No other index was discussed and there is no index of AstraZeneca's productions in response to the Omnibus Requests.

14. By e-mail dated July 27, 2004, Mr. Wexler requested a telephone conference with Mr. Wise to discuss Plaintiffs' request for additional Rule 30(b)(6) witnesses for AstraZeneca pursuant to the Amended Notice. I was copied on that e-mail.

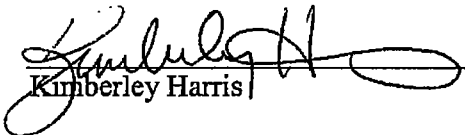
15. A teleconference was arranged for the next day. I was present for the call.

16. During the teleconference, a disagreement arose as to whether AstraZeneca had complied with its obligations under Rule 30(b)(6) by providing Mr. Freeberry and Mr. Alverson as designees.

17. Although Mr. Wise did not agree that AstraZeneca was required to provide any additional witnesses, he offered to contact Alan Milbauer, a retired AstraZeneca employee, to determine whether he could provide Plaintiffs with additional information from an earlier time frame. Plaintiffs had separately noticed Mr. Milbauer for deposition as a fact witnesses.

18. Mr. Wise ended the call by indicating that he would get back to Plaintiffs once he had spoken to Mr. Milbauer. He also agreed to provide dates for the additional fact witnesses noticed by Plaintiffs.

19. I declare under penalty of perjury that the foregoing is true and correct.

By: 
Kimberley Harris

Dated: August 23, 2004

EXHIBIT B

John Richard Freeberry

Highly Confidential
Wilmington, DE

May 20, 2004

1

1 H I G H L Y C O N F I D E N T I A L

2 UNITED STATES DISTRICT COURT

3 FOR THE DISTRICT OF MASSACHUSETTS

4 -----X

5 IN RE PHARMACEUTICAL INDUSTRY) MDL No. 1456

6 AVERAGE WHOLESALE PRICE) CIVIL ACTION:

7 LITIGATION) 01-CV-12257-PBS

8) Judge Patti B. Saris

9 -----X

10 THIS DOCUMENT RELATES TO)

11 01-CV-12257-PBS and 01-CV-339)

12 -----X

13 THURSDAY, MAY 20, 2004

14

15 Deposition of JOHN RICHARD FREEBERRY, held

16 at the Law Offices of McCarter & English, 919 North

17 Market Street, Suite 1800, Wilmington, DE, before

18 Cindy Sebo of Spherion Deposition Services, Notary

19 Public in and for the State of Maryland.

20

21

22

Henderson Legal / Spherion
(202) 220-4158

John Richard Freeberry

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Wilmington, DE

May 20, 2004

6

1

2

P R O C E E D I N G S

3 Whereupon,

4

JOHN RICHARD FREEBERRY

5 was called as a witness and, having been first

6 duly sworn, was examined and testified

7 as follows:

8

EXAMINATION BY COUNSEL FOR PLAINTIFFS

9

BY MS. FEGAN:

10 Q Good morning, Mr. Freeberry. Could you

11 please state your name for the record?

12 A John Freeberry.

13 Q Where do you live, Mr. Freeberry?

14 A I live in Westchester, Pennsylvania.

15 Q Where are you currently employed?

16 A AstraZeneca Pharmaceutical.

17 Q What is your title there?

18 A Pricing Strategy Director.

19 Q How long have you held the position of

20 Pricing Strategy Director?

21 A This position, by that name, probably a

22 couple of years, but it's been essentially the

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May 20, 2004

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1 same position with different names throughout
2 three mergers with our corporation. So it's been,
3 more or less, eight or nine years.

4 Q It would be approximately 1995?

5 A '95, um-hum.

6 Q Can you tell me beginning in -- or
7 around '95, what titles that position has been run
8 under?

9 A I'm having trouble remembering the
10 titles. The last one before this was Pricing
11 Strategy Manager. I'm going back in times now,
12 and that's a couple of years ago. I think maybe
13 it was a Pricing Strategy Partner at one time.
14 I'm not even 100 percent sure to be honest with
15 you.

16 Q Has the title always encompassed the
17 words "Pricing Strategy"?

18 A Yes.

19 Q During the course of those eight to
20 nine years, have your responsibilities changed?

21 A Essentially, they're -- they're
22 similar.

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8

1 Q Let's start when you first held this
2 position of Pricing Strategy Director, so to
3 speak --

4 A Yes.

5 Q -- what were your responsibilities when
6 you first started?

7 A My primary responsibilities are to
8 recommend strategy, pricing strategies for new --
9 for new brands. That's where we spent most of our
10 time and energy; also, recommend pricing increases
11 for our brands, I guess. And we -- we monitor the
12 pricing environment from a competitive
13 perspective, see what our competitors are doing in
14 terms of price changes, what they charge for their
15 products.

16 That captures most of our
17 responsibilities.

18 Q When you say "most," what other
19 responsibilities do you have that don't --
20 wouldn't fall under those three areas?

21 A Well, for example, we're looking now at
22 the impact of Medicare legislation, trying to

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1 A Just the Pricing Strategy Department.

2 Q How many people are in the Pricing
3 Strategy Department?

4 A There's five of us in total.

5 Q Has it always been five persons?

6 A Going back, it was probably two or
7 three. We've grown to five in total. Probably
8 the lowest it was was probably three. So we have
9 gone from three to five in the eight years or so
10 that I've been responsible for this.

11 Q Who are the five people that are
12 currently in the Pricing Strategy Department?

13 A We have three Pricing Strategy
14 Managers: Allen Shi, Barnabas Desta --

15 Q How do you spell that?

16 A D-e-s-t-a.

17 -- and Erik Schultz, S-c-h-u-l-t-z.

18 Q And the other two?

19 A Is Janet Rosenberg is an administrative
20 coordinator.

21 Q And the fifth person is yourself?

22 A Myself, right.

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11

1 Q Is there anyone that reports to the
2 three persons as Strategy Managers?

3 A No.

4 Q Who do you report to?

5 A I report to a position called the
6 Senior Director of Managed Markets and Pricing.
7 That's currently a vacant position.

8 Q Who was it before it was vacant?

9 A Jim Blessington.

10 Q Where is Mr. Blessington now?

11 A He moved on to another position in
12 Finance within AstraZeneca.

13 Q What position does he hold now?

14 A He's the Finance lead for the -- our
15 CNS brands.

16 Q What does "CNS brands" mean?

17 A Central nervous system.

18 Q Going back to the three Pricing
19 Strategy Managers, how long has Mr. Shi been in
20 that position?

21 A He's been in that position for about
22 two years.

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1 Q And Mr. Desta?

2 A Desta, I would say three years.

3 Q And Mr. Schultz?

4 A Three or four, I'm not sure which. In
5 that range, three to four years.

6 Q Prior to Mr. Shi, Mr. Desta and
7 Mr. Schultz, who held the positions of Pricing
8 Strategy Managers during the time that you had
9 been the Pricing Strategy Director?

10 A Christian Keller.

11 Q Is that a man or a woman?

12 A It's a man.

13 Q When did he hold that position?

14 A Approximately --

15 MR. WISE: Off the record.

16 (Discussion off the record.)

17 MR. WISE: You have appearances.

18 While we were off the record, we just
19 dialed in to a conference call facility;
20 apparently, nobody is on the phone. But we should
21 just note for the record that we might have some
22 more telephonic appearances at some point if

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1 people call into that number.

2 Sorry for the delay.

3 THE WITNESS: Approximately 2000-2001.

4 I could be off by a year.

5 BY MS. FEGAN:

6 Q Where did Mr. Keller go after he left
7 the Pricing Strategy Department?

8 A He went to the Marketing Department.

9 Q Does he hold a specific position there?

10 A He's a product strategist.

11 Q For a particular product?

12 A For Nexium.

13 Q The purple pill?

14 A Yes.

15 Q Other than Mr. Keller and the three
16 Pricing Strategy Managers that we referred to
17 before, who else has held that position since you
18 have been Pricing Strategy Director?

19 A Mark Boyer, B-o-y-e-r.

20 Q When did he hold that position?

21 A '95-'97, in that range.

22 Q Where is Mr. Boyer now?

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14

1 A He's with the company. He's in the --
2 he's in the Advertising Department.

3 Q What was -- I'm sorry.

4 A He's a Director of -- I don't know. I
5 don't recall his title.

6 Q Does he work with a particular product
7 group?

8 A He works with the Respiratory Group.

9 Q Other than Mr. Keller, Mr. Boyer and
10 the three Pricing Strategy Managers who currently
11 hold those positions, who else has held that
12 position since you have been Pricing Strategy
13 Director?

14 A Alisa Rogers.

15 Q When did she hold that position?

16 A Sometime in the 2000-2001 period, I
17 think. I could be off by a year. I just don't
18 remember specifically.

19 Q Where is she now?

20 A She's a -- a Managed Markets Brand
21 Manager.

22 Q For what brand?

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1 A For Crestor.

2 Q Who else has held that position?

3 A A gentleman named Mark Vines.

4 Q How do you spell the last name?

5 A V-i-n-e-s.

6 Q When did he hold that position?

7 A I would say '99 to 2000, 2001.

8 Q Where is he now?

9 A He's with GlaxoSmithKline.

10 Q When he left the position of Pricing
11 Strategy Manager, did he go directly to
12 GlaxoSmithKline?

13 A Yes.

14 Q Who else has held the position of
15 Pricing Strategy Manager?

16 A The only other -- Allen Shi was there
17 before. He went to another couple of positions.
18 He came back a couple of years ago.

19 Q Tell me about that. When did he first
20 hold the position?

21 A That was probably '96, '97.

22 Q Where did he move from the Pricing

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1 Strategy Manager position?

2 A He moved to -- I can't recall the name
3 of the department -- Customer Strategy. That was
4 a department we had at the time called Customer
5 Strategy.

6 Q And what did he do there?

7 A He was a Customer Strategy Manager, as
8 I recall.

9 Q What --

10 A What did they do?

11 Q Yes.

12 A They looked at strategies that -- at
13 the customer level in some way. I remember he
14 worked on -- a project that I recall him working
15 on was long-term care, but I'm not familiar beyond
16 that.

17 Q Does the term "customer" -- or did the
18 term "customer," with respect to that department,
19 encompass different types of end recipients?

20 A I didn't work in that department. I
21 believe it did. I don't know the specifics of it
22 though. I just remember the project that he

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1 AstraZeneca as the 30(b)(6) on behalf of the
2 company, with expertise in the areas that he has
3 testified in which he has such expertise so far
4 this morning. And he's not being designated with
5 respect to any other area.

6 So I think he's also indicated in many,
7 if not all, of those other areas who he thinks
8 would be an appropriate designee of the company.
9 And we can pursue whether Plaintiffs want to have
10 depositions of all of those people or some of them
11 in the future.

12 With that understanding and the
13 understanding that we're here to answer any
14 questions for however -- you know, for the rest of
15 the day on any topic, to the extent Plaintiffs
16 want to ask him, we will proceed.

17 BY MS. FEGAN:

18 Q I think where we left off, just to be
19 clear, I wanted to make sure that I understood
20 which topics you felt like you were the most
21 knowledgeable to testify on.

22 And so we're all on the same page as to

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May 20, 2004

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1 what you're being designated -- I understand that
2 you're being designated as the 30(b)(6) for
3 AstraZeneca to testify regarding Topics 1, 2
4 and 3, except as to average sales price, actual
5 sales price or contract prices.

6 Do you understand that, Mr. Freeberry?

7 A Yes.

8 Q I also understand that you're being
9 designated to testify regarding Topics 5 and 6,
10 other than as to average sales price, actual sales
11 price or contract price.

12 Do you understand that, Mr. Freeberry?

13 A Yes.

14 Q And I believe that that's all; is that
15 correct? I apologize, I'm making you go through
16 these again. I want us all to be on the same
17 page.

18 (The witness reviews the document.)

19 THE WITNESS: Yes.

20 MR. WISE: Okay.

21 MS. HARRIS: Also, let me just note,
22 Topic 14 with respect to price.

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May 20, 2004

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1 MS. FEGAN: You're right. I apologize.

2 BY MS. FEGAN:

3 Q Topic 14, with respect to price, but
4 not rebates and incentives?

5 A Let me just read it over to be sure.

6 Q Sure.

7 (The witness reviews the document.)

8 THE WITNESS: Yes.

9 MR. WISE: One other, maybe, perhaps
10 additional, 17, I think he testified that there
11 would be no such person.

12 MS. FEGAN: Well, he testified that he
13 didn't do any research to determine whether there
14 would be any such person or whether, in fact,
15 there had been communications. We can
16 certainly --

17 MR. WISE: We can have an argument
18 about that later.

19 MS. FEGAN: -- deal with that later,
20 particularly since we know there were.

21 MS. HARRIS: I'll say that he is
22 designated with respect to 17(a) and (b),

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May 20, 2004

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1 A My affidavit.

2 Q And the affidavit that you're referring
3 to is the one that was submitted in this
4 litigation?

5 A Yes, ma'am.

6 Q Any other documents that you reviewed?

7 A No.

8 Q Other than counsel, did you speak with
9 anyone else in preparation for today's deposition?

10 A No.

11 Q Do you know how the decision was made
12 to designate you as the witness designated to
13 testify on the topics that we've just discussed?

14 A Not in any detail.

15 Q Generally?

16 A Generally, yeah, I'm the one most
17 knowledgeable about pricing in terms of how we
18 establish our catalog price.

19 Q And I believe you said catalog price is
20 WAC?

21 A WAC, yes.

22 Q Have you been involved at all in the

EXHIBIT C

DAVIS POLK & WARDWELL

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May 28, 2004

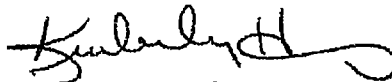
Re: In re Pharmaceutical Industry Average Wholesale Price Litigation

Elizabeth Fegan, Esq.
The Wexler Firm
One North LaSalle Street
Suite 2000
Chicago, IL 60602

Dear Beth:

I am writing to inform you that Jeffrey Alverson, Senior Director of Contract Strategy, will be AstraZeneca's Rule 30(b)(6) designee for all areas of inquiry on the Amended Notice of Rule 30(b)(6) Deposition for which Mr. Freeberry was not AstraZeneca's designee. Mr. Alverson is available for deposition on June 29, 2004, beginning at 9:30 a.m. in Wilmington, Delaware. Please confirm as soon as possible that you are available on this date. We will confirm a location for the deposition shortly.

Sincerely,


Kimberley Harris

By Facsimile

THE | WEXLER | FIRM^{LLP}

June 2, 2004

VIA FACSIMILE

Ms. Kimberley Harris
Davis Polk & Wardwell
450 Lexington Avenue
New York, NY 10017

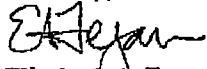
RE: In re: Pharmaceutical Industry Average Wholesale Price Litigation, MDL
No. 1456

Dear Kim:

As we have discussed, the initial 30(b)(6) deposition of AstraZeneca covered just a handful of the topics on the Amended Notice of Rule 30(b)(6) Deposition served on April 2, 2004. CMO No. 10 requires that 30(b)(6) witnesses be produced within 45 days of the notice. That time requirement has now come and gone. As I told you at Mr. Freeberry's deposition and in my follow-up letter, we would make ourselves available to get this deposition completed with AZ's additional designees as soon as you made a witness available.

The June 29, 2004 date you propose for the continuation of the 30(b)(6) deposition is much too far in the future, contemplating 87 days since the Amended 30(b)(6) Notice of Deposition was served and 39 days since Mr. Freeberry's deposition. This deposition must be completed in the next 14 days. We will make ourselves available on any day during that period, except June 8. Please let us know by Friday when you will make Mr. Alverson (or another designee in lieu of Mr. Alverson) available.

Sincerely,


Elizabeth A. Fegan

EAF:lyr

cc. All Plaintiffs' Co-Lead Counsel (via facsimile)

Contact Information:

Elizabeth A. Fegan
312 261 6191 Direct Dial
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P. 02

Jun 2 2004 16:42

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June 3, 2004

Re: In re Pharmaceutical Industry Average Wholesale Price Litigation

Elizabeth A. Fegan, Esq.
The Wexler Firm LLP
One North LaSalle Street
Suite 2000
Chicago, IL 60602

Dear Beth:

I am writing in response to your letter dated June 2, 2004. As you know, AstraZeneca offered to produce two witnesses to plaintiffs on May 13 and 14, 2004, within 45 days of the Amended Notice of Rule 30(b)(6) Deposition as required by CMO 10. Despite the fact that those two dates had been specifically requested by Ken Wexler, he cancelled the deposition due to a scheduling conflict. In an effort to accommodate Ken's schedule, we offered to produce two witnesses exactly one week later on May 20 and 21, 2004. Although you proceeded with the first witness on May 20, 2004, you cancelled the deposition of the second witness on May 21, 2004.

In light of this history, it is disingenuous for you to suggest that AstraZeneca has not complied with CMO 10. Any delay in the completion of AstraZeneca's Rule 30(b)(6) deposition is due entirely to plaintiffs' scheduling changes. Mr. Alverson is AstraZeneca's designee for the remaining areas of inquiry on the Rule 30(b)(6) Notice and he is available for deposition on June 29, 2004 beginning at 9:30 am. This is the earliest date that the deposition can be scheduled. As requested in my last letter, please let us know by Friday if you are available on that date.

Very Truly Yours,

Kimberley Harris / Lfh

Kimberley Harris

EXHIBIT D

Jeffrey L. Alverson

Highly Confidential
Wilmington, DE

June 29, 2004

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS
3

In Re: PHARMACEUTICAL : MDL DOCKET NO.
4 : CIVIL ACTION #
INDUSTRY AVERAGE WHOLESALE : 01CV12257-PBS
5 :
PRICE LITIGATION : HIGHLY CONFIDENTIAL
6
7 -----

8 THIS DOCUMENT RELATES TO:
9
ALL ACTIONS
10 -----

11 VOLUME I

12 30(b)(6) Deposition of AZTRAZENECA, taken
13 by and through its corporate designee, JEFFREY L.
14 ALVERSON, taken pursuant to notice at the law offices
15 of Morris, Nichols, Arsht & Tunnell, 1201 North Market
16 Street, 17th Floor, Wilmington, Delaware, beginning at
17 9:31 a.m., on Tuesday, June 29, 2004, before Julie H.
18 Parrack, Registered Merit Reporter and Notary Public,
19 there being present:
20 - - -
21
22

Spherion Deposition Service
800-362-2520

Jeffrey L. Alverson

Highly Confidential
Wilmington, DE

June 29, 2004

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1 A. I did things to make myself more aware of areas
2 of the inquiry that I wasn't -- want to make sure I
3 had all my facts. Back to 1991, no, sir, I did not.

4 Q. How far back did you go?

5 A. I didn't do anything relative to a time. I did
6 it relative to an area of knowledge. I don't know if
7 I'm answering your question correctly. But I didn't
8 look --

9 Q. How about 1992?

10 A. Once again, my information was relative to
11 areas of knowledge, not a time frame of that area of
12 knowledge.

13 Q. What did you do?

14 A. Talked to different individuals in different
15 areas to make sure that information I had in my head
16 was correct, or fill in parts that I might be missing
17 for areas that were not germane to my day-to-day
18 activity.

19 Q. Who did you talk to?

20 A. Talked to Joe Skupen, who is in our contact
21 operations department. I talked to Jim Brady, who is
22 in our managed care finance department. Paul Maillet,

Jeffrey L. Alverson

Highly Confidential
Wilmington, DE

June 29, 2004

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1 Ted Morse who are in the IS department. Paula Flynn,
2 who is in the legal department as a paralegal. And
3 Mark Holder, who is in our operations department.

4 Those were the individuals that I spent time with.

5 Q. Did you review documents?

6 A. No, sir.

7 Q. How much time did you spend with Joe Skupen?

8 A. Joe and I worked together on a regular basis.

9 Joe and I spent, for the purposes of this, maybe 10,
10 15 minutes.

11 Q. What did you discuss?

12 A. ASP.

13 Q. Anything else?

14 A. No.

15 Q. Jim Brady is in what department?

16 A. Managed care finance.

17 Q. How long did you talk to him?

18 A. Again, Jim is an individual that I work with on
19 a daily basis. I think I was on the phone with Jim
20 maybe 15 minutes.

21 Q. What did you discuss?

22 A. Finance and the reports relative to finance

Jeffrey L. Alverson

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1 department of our company.

2 Q. Did you -- how long has Mr. Brady been with
3 AstraZeneca or its predecessor?

4 A. I do not know.

5 Q. Did you discuss a time period with respect to
6 the financial reports?

7 A. No, sir, other than the fact that quarterly or
8 annual, but not a specific time.

9 Q. Okay. With respect to those reports, were you
10 talking about them on a current basis?

11 A. Yes, sir.

12 Q. Paul Maillet, what department is he in?

13 A. IS, Information Services.

14 Q. What does that department do?

15 A. Governs everything relative to our computer
16 systems, our e-mail systems, our document storage
17 systems. If it has to do with our computer, they do
18 it.

19 Q. How long did you -- did you speak with him in
20 person or on the phone?

21 A. On the phone.

22 Q. How long did you speak with him?

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1 A. Maybe 20 minutes. It was Paul and a couple
2 other individuals that I truly don't remember their
3 name. A lady named Heather and another individual,
4 they were all talking to me relative to the computer
5 databases that we have in this, at AstraZeneca that
6 stores data. And I talked to all three of those
7 individuals maybe 20, 25 minutes.

8 Q. All at once?

9 A. Yes, sir.

10 Q. Were they in a conference call?

11 A. Yes, sir.

12 Q. Speakerphone?

13 A. (Nodded affirmatively.)

14 Q. Was the time period you were talking about the
15 current one?

16 A. Yes, sir.

17 Q. Paula Flynn in legal, she's a paralegal?

18 A. Yes, sir.

19 Q. How long has she been a paralegal, do you know?

20 A. I have no idea. I met her for the first time
21 yesterday.

22 Q. You met with her face-to-face?

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1 knowledge of the areas of inquiry, irrelevant to time.

2 Q. When did you start at AstraMerck?

3 A. Six and a half years ago.

4 Q. Do you know a precise date?

5 A. October 1st, what, 1999? Is that right, '98?
6 I'm horrible with years. But whatever six and a half
7 years backwards goes.

8 Q. Okay. Where did you work before then?

9 A. I was with an HMO in Alabama.

10 Q. What HMO?

11 A. Health Partners Southeast.

12 Q. What was your position?

13 A. Vice President of Health Services.

14 Q. What were your duties?

15 A. I was the executive in charge of medical
16 services, pharmaceutical services, physician
17 credentialing; tertiary medical services that were
18 provided, such as lab, others. Basically if it was
19 relative to the PMPM cost of the HMO, it was under my
20 purview.

21 Q. What's PMPM cost?

22 A. Per-member-per-month cost.

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1 that answers to Marion. We have a vice president of
2 government that answers to Marion. And then Jim Brady
3 as managed care finance is deployed to Marion from
4 finance and so falls under Marion's purview as well.

5 The only other individual is a lady named
6 Nancy Wilkinson who is the director of contract
7 operations and strategy, although that's a misnomer,
8 in that strategy falls under my department.

9 Q. Director of contract --

10 A. Operations and strategy. That's what her title
11 is.

12 Q. What's your title?

13 A. Senior Director of Contract Strategy.

14 Q. How long have you had those duties?

15 A. Sir?

16 Q. How long have you had those -- that title?

17 A. Six months.

18 Q. How long have you performed the duties that you
19 now perform for AstraZeneca or AstraMerck?

20 A. A little over two years.

21 Q. What are those duties?

22 A. My department has -- I have seven people that

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1 Q. Do you recall when those instructions were
2 given?

3 A. No, I do not.

4 Q. Approximately?

5 A. There have been multiple, so when you say
6 approximately, over the course of being with
7 AstraZeneca as a new company, I would say that within
8 six months of us becoming AstraZeneca, I remember the
9 first one coming somewhere in that range, and we've
10 had several since; both government and private
11 litigation.

12 Q. You listed contracts. Missing from the list of
13 contracts that you gave was contracts -- let me move
14 to something else.

15 Who are the seven people who are contract
16 directors today?

17 A. Paul Villa, V-i-l-l-a, James Thornton,
18 T-h-o-r-n-t-o-n, Jim Colyer, C-o-l-y-e-r, Steve Pitts,
19 Kevin Kinsella, K-i-n-s-e-l-l-a, Julie Doll, D-o-l-l,
20 and Joe deSimone, small d-e capital S-i-m-o-n-e.

21 Q. What was his first name?

22 A. Joe.

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1 Q. How long has Paul Villa been in your
2 department?

3 A. Two years.

4 Q. With respect to the others you named, have any
5 been in that department longer than you?

6 A. No.

7 Q. What do you mean by contract strategy?

8 A. It is the -- it is our methodology to get our
9 products on formulary with the entity that we
10 contracted with, whether they be a hospital, an HMO, a
11 PBM, a long-term care.

12 Q. That's AstraZeneca's goal?

13 A. To be on formulary?

14 Q. Yeah.

15 A. Either to be on formulary or to not be
16 disadvantaged to any of our competitors.

17 Q. What do you mean by not being disadvantaged?

18 A. We could, we could all be not on formulary in a
19 class. If you take the SSRI class, if we were all not
20 on formulary, then we're not disadvantaged because
21 everyone is at the same level. That is our goal at
22 AstraZeneca.